



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

17

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/065,926 | 11/30/2002 | J. Martin Pfaff | 62984-5002 | 5325 |
| 24574 | 7590 | 08/03/2007 | | |
| JEFFER, MANGELS, BUTLER & MARMARO, LLP 1900 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067 | | | | |
| | | | EXAMINER DANG, DUY M | |
| | | | ART UNIT 2624 | PAPER NUMBER |
| | | | MAIL DATE 08/03/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/065,926 | Applicant(s) PFAFF, J. MARTIN | |
| | Examiner Duy M. Dang | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 15-22 and 24-29 is/are allowed.
- 6) ☐ Claim(s) 8-9 and 13-14 is/are rejected.
- 7) ☐ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on June 7, 2007 has been entered and made of record.

Response to Arguments

2. Drawings filed on June 7, 2007 have been approved by the examiner.
3. The rejection of claims 8-14 under section 35 USC 112(1) is withdrawn in view of applicant's amendment and arguments set forth at pages 14-15 of the reply filed on June 7, 2007.
4. Applicant's arguments (argument) filed on June 7, 2007 have been fully considered but they are not persuasive.

It is noted that entirety argument set forth at pages 15-16 with regard to Saito is based on the ground that Saito teaches aligning images of the same orientation.

a)First, the claim 8, for example, does not require/recite that claimed "first orientation" and "second "orientation" are not the same orientation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

b)Lastly, Saito does teach different orientations and rotation (see column 12 lines 25-32 and equation 2 in column 22 including rotation parameters depicted at Rx, Ry, and Rz).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2624

6. Claims 8-9 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (USPN 5,954,650. Art of record, IDS filed on 4/17.03, referred as Saito hereinafter).

The allowability of claims 8-9 and 13-14 indicated in the previous Office action is now withdrawn in view of the Saito. Regarding claim 8, Saito teaches a display system (see figures 1-3 and column 12 lines 25-65: display 1 of figure 1 is controlled by CPU 27 of figure 3) comprising: a display (item 1 of figure 1); a processor coupled to the display (see figures 1-3 and column 12 lines 25-65: display 1 of figure 1 is controlled by CPU 27 of figure 3. Also refer to display section 21 of figure 3); memory coupled to the processor (see figure 3 and column 5 lines 15-44. Note CPU 27 [memory is inherently included in CPU itself], bus 28, driver included in item 21 [memory is inherently included so that driver can be installed or stored thereon], image storage section 23, and data base 26 all or each refers to the so called "memory"), the memory having computer readable program code stored thereon that, when executed by the processor, will (see operation panel display area depicted at 2 of figure 2 in together with column 5 lines 28-38. Note that so called "program" is inherently included in order for the operation panel display area 2 to be generated and the medical image to be processed by the medical image processing apparatus); display an image from a first series of images for a subject in a first orientation on the display (see each series of images displayed at 3, 4, and 5 of figure 1; furthermore, image displayed at 3a, 3b, and 3c of figure 1 each refers to claimed "first series of images" as well); receiving a selection signal directed to the image (see setting a region of interest ROI mentioned at column 4 lines 58-68. Such setting ROI refers to the so called "selection signal"); and display a corresponding image from a second series of images for the subject in a second orientation on the display based on the selection signal (see images display at

Art Unit: 2624

4 and 5 of figure 1; furthermore, image display at 4b, for example can be as well as refer to second series of images).

Saito further teaches: the memory further configured to cause the processor to receive the first and second series of images (see figure 1 and rejection of claim 8 above) as required by claim 9, display a corresponding location indicator in the corresponding image (see F2A, F2B, F3A, F3B of figure 1) as required by claim 13, and display a second corresponding from a third series of image for the subject in a third orientation on the display based on the selection signal (see fusion image displayed at 5, images display at F2A, F2b, and 5c of figure 1) as required by claim 14.

Allowable Subject Matter

7. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-7, 15-22, and 24-29 are allowed.

9. The following is an examiner's statement of reasons for allowance:

The cited prior art fails to teach or suggest the claimed invention as recited in independent claims 1, 15, and 16. Likewise, dependent claims 2-7, 17-22, and 24-29 are allowed for the same reasons.

The cited prior art fails to teach or suggest the claimed invention as recited in claim 10. Likewise, claims 11-12 depend from claim 10 and thus are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2624

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd
8/1/07



DUY M. DANG
PRIMARY EXAMINER